

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Determination of Prices) Case No. TO-2002-397
of Certain Unbundled Network Elements)

JOINT RESPONSE TO COMMISSION ORDER DIRECTING FILING OF
MCI WORLDCOM COMMUNICATIONS, INC.,
BROOKS FIBER COMMUNICATIONS OF MISSOURI, INC.,
MCIMETRO ACCESS TRANSMISSION SERVICE, LLC,
NUVOX COMMUNICATIONS OF MISSOURI, INC.
BIG RIVER TELEPHONE COMPANY, LLC,
SOCKET TELECOM, LLC
XO MISSOURI, INC.
AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.,
TCG ST. LOUIS, INC. AND
TCG KANSAS CITY, INC.

COME NOW MCI WorldCom Communications, Inc., Brooks Fiber Communications of Missouri, Inc., MCImetro Access Transmission Services LLC, NuVox Communications of Missouri, Inc., Big River Telephone Company, LLC, Socket Telecom, LLC, XO Missouri, Inc., AT&T Communications of the Southwest, Inc., TCG St. Louis, Inc. and TCG Kansas City, Inc., (hereinafter "CLECs") and for their Joint Response to the Commission's September 18, 2003 Order Directing Filing regarding the impact of the FCC's Triennial Review on the instant proceeding, state:

1. This case was opened by the Commission in March of 2002 in recognition of the fact that it was essential that the costs (and consequently prices) associated with SBC's provision of unbundled network elements, including loops and switching, be examined in an in-depth manner that is not possible during the limited time allowed for an arbitration under Section 252 of the Telecommunications Act of 1996. See Order Establishing Case. As the Staff noted in comments filed in May 2002, current prices are based on extremely old cost data. Since this case

was established, the parties have addressed a number of preliminary questions raised by the Commission. At this point, the Commission needs to rule on those preliminary matters and schedule a prehearing conference so that the parties can develop a schedule regarding the merits of the case.

2. The M2A expires in the first half of 2005, many other interconnection agreements expire in a similar timeframe, and it will take a significant amount of time to present the merits of this case. The Commission needs to examine UNE costs promptly in this proceeding to assure that rates in the next round of interconnection agreements are based on TELRIC as required by law.

3. As many parties advised the Commission in previous comments filed herein regarding the FCC's Triennial Review, the FCC's action does not reduce the need for this proceeding to move ahead. SBC will continue to have to provide unbundled network elements, including switching and loops, well into the future, regardless of the results of challenges to and implementation of the FCC's actions. SBC will also continue to have to price unbundled network elements based on TELRIC costs.

4. The Commission has a significant amount of work to do in connection with the FCC's Triennial Review Order. However, the Commission does not have the luxury of waiting until all that work is completed before it moves forward with this case. Absent prompt action herein, the Commission will again find its efforts to develop legitimate rates for UNEs frustrated by the strict timelines imposed upon arbitrations under Section 252 of the Act.

WHEREFORE, CLECs urge the Commission to rule upon pending preliminary matters and issue an order setting a prehearing conference and a deadline for the parties to file a proposed procedural schedule.

Respectfully submitted,

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Certificate of Service

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 9th day of October, 2003, by placing same in the U.S. Mail, postage paid.

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